

Hon. Ronald B. Leighton

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

IN THE MATTER OF MOUSSA SYLLA, A# 93-436-832,	) No. MC08-5009-RBL ) ) [PROPOSED] SECOND ORDER EXTENDING ) ORDER GRANTING MOTION TO ) PROVIDE INVOLUNTARY MEDICAL CARE, ) NUTRITION AND HYDRATION FOR INMATE )
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The Department of Homeland Security, Immigration and Customs Enforcement (hereafter "ICE") has requested a second order extending the Order Granting Emergency Ex-Parte Motion to Provide Involuntary Medical Care, Nutrition and Hydration for Inmate dated May 13, 2008, in the above-captioned matter (Dkt. No. 5). The inmate in question, Moussa Sylla (A# 93-436-832), is currently incarcerated as a civil detainee at the Northwest Detention Center in Tacoma, Washington. Based on the Declaration of Darin Smith, P-AC, dated May 29, 2008, and information submitted by ICE, I find that there is sufficient cause to believe that without a continuation of the requested medical testing and treatment, Mr. Sylla is in danger of irreparable injury and possible death. Mr. Sylla's current hunger strike poses a serious medical risk to himself.

A review of the applicable law reveals that ICE has an affirmative statutory and constitutional duty to care for and treat inmates in its custody. This Court has inherent authority to issue an Order requiring ICE to undertake this affirmative duty, which includes provision of

1 forced feeding with plastic tubes through the nasal passage and/or by intravenous means. Such  
2 treatment should be limited to that which is medically necessary for Mr. Sylla.

3 Therefore, IT IS HEREBY ORDERED that ICE may continue to undertake the medical  
4 procedures and treatment described the Order Granting Emergency Ex-Parte Motion to Provide  
5 Involuntary Medical Care, Nutrition and Hydration for Inmate dated May 13, 2008 (Dkt. No. 5)  
6 until June 30, 2008, or until such procedures are no longer medically necessary, whichever  
7 occurs sooner.

8 It is further ORDERED that ICE shall provide a copy of this order to Mr. Sylla forthwith.

9 It is further ORDERED that the Government shall file a status report on or before June  
10 27, 2008, updating the Court as to Mr. Sylla's medical condition, at which time the Court will  
11 consider whether to again extend the duration of said order.

12 DATED this 29<sup>th</sup> day of May, 2008.

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16 RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE

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19 Presented by:

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